

HOUSE No. 3818

By Mr. Petersen of Marblehead petition of Douglas W. Petersen and others for an investigation by a special commission (including members of the General Court) relative to the protection of privacy in the collection, storage, use and release of personal information and other related matters. Consumer Protection and Professional Licensure.

The Commonwealth of Massachusetts

PETITION OF:

Douglas W. Petersen
David Paul Linsky

Gale D. Candaras
Thomas M. McGee

In the Year Two Thousand and Seven.

AN ACT RELATIVE TO MASSACHUSETTS PRIVACY ACT OF 2007.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. *Whereas*, The citizens of the Commonwealth have a
2 right to expect that their personal privacy will be protected; and

3 *Whereas*, There has been considerable growth of information
4 technologies and an increasing collection and transfer of personally
5 identifying information within and between the public and private
6 sector; and

7 *Whereas*, Said personally identifying information is increasingly
8 collected and transferred within and between the public and private
9 sectors without the knowledge or express permission of Massachu-
10 setts' citizens; and

11 *Whereas*, Said collection and transfer of personally identifying
12 information violates Massachusetts citizens privacy protections; and

13 *Whereas*, Said information can be used for purposes that
14 adversely affect the health and welfare of Massachusetts citizens.

1 SECTION 2. There shall be established a Special Commission on
2 Privacy Concerns which shall convene no later than 6 months
3 following the passage of this act. Said Commission shall consist of

- 4 the following members:—
5 1. Secretary of State or his/her designee.
6 2. One representative from each of the following:—
7 (a) Massachusetts Software Council
8 (b) Massachusetts Telecommunications Council
9 (c) Association for Computing Machinery
10 (d) Massachusetts High Technology Council
11 (e) Massachusetts Bar Association
12 (f) Massachusetts Hospital Association
13 (g) National Lawyers Guild
14 (h) Massachusetts Civil Liberties Association
15 (i) Department of Education
16 (j) Department of Human Services and Elderly Affairs
17 (k) Massachusetts Public Information Research Group
18 (l) Association of Health Management Organizations
19 (m) Massachusetts Library Association
20 (n) Office of Consumer Affairs of Massachusetts Attorney
21 General
22 (o) Massachusetts Senate
23 (p) Massachusetts House of Representatives
24 (q) Board of Registration of Medicine (medical ethicist)
25 (r) Computer Professionals for Social Responsibility
26 (s) Massachusetts Supreme Judicial Court
27 (t) Associated Industries of Massachusetts

1 SECTION 3. The Special Commission will investigate issues of
2 privacy related to the public and private sector collection, storage,
3 usage and release of personally identifying information and/or
4 information that potentially can be associated (“tagged”) when
5 combined with other information to individual identities of Massa-
6 chusetts citizens.

7 The special Commission shall investigate, but not be limited to
8 the following issues:—

9 1. Information sources rights and control over secondary uses of
10 collected information.

11 2. Balancing of freedom of information, public right to know, per-
12 sonal privacy in the context of promising the social welfare.

13 3. Technical standards for the handling and processing of person-
14 ally identifying information in the public and private sectors as it
15 relates to confidentiality and privacy concerns.

16 4. Need for policies, regulations and/or laws governing state and
17 municipal governments sharing of data with each other and/or the
18 private sector as it relates to privacy protection. Identification of sec-
19 ondary uses of collected information within and between said enti-
20 ties.

21 5. The extent to which current consumer protection laws do
22 and/or can protect the privacy of Massachusetts citizens. Recom-
23 mended changes in state law and recommended changes in federal
24 law that would enhance the privacy protections of Massachusetts cit-
25 izens.

26 6. Recommendations for future monitoring of state and municipal
27 government, other public sector and private sector regulations and/or
28 operations that affect privacy and/or confidentiality protections for
29 Massachusetts citizens.

30 7. Recommendations for state actions as they relate to implemen-
31 tation of federal law related to critical infrastructure protection from
32 “cyber threats”, defined as threats of electronic radio-frequency, or
33 computer based attacks on the information or communications com-
34 ponents that control critical infrastructures.

1 SECTION 4. Said special commission shall issue its report and
2 recommendations one year following convening of said commission.
3 A copy of said report shall be forwarded forthwith to the clerk of the
4 house of representatives and the clerk of the senate.